YOUNG OFFENDERS ACT

THE FIRST YEAR

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Manitoba
Community
Services

YOUNG OFFENDERS ACT (YOA) RECOMMENDATIONS IMPLEMENTATION TASK FORCE

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YOA - THE FIRST YEAR

On April 1, 1984 Canada proclaimed a new Young Offenders Act, replacing the 76-year old Juvenile Delinquents Act. This major piece of legislation resulted in sweeping changes in philosophy and principles concerning young persons in conflict with the law.

Over the past year regular issues of a YOA Info Line newsletter examined how Manitobans have embraced the new legislation. This report has been developed from information contained in past issues of Info Line and is dedicated to the citizens of this province who have helped implement the policies and procedures of the Young Offenders Act in its first year of operation.

RECOMMENDATIONS OF THE TASK FORCE

In the spring of 1982, a YOA consultation committee was set up by the departments of the Attorney-General and Community Services.

On the recommendation of this committee an Implementation Task Force was established. The task force met over a period of 16 months to study the Act and discuss its implications for the province. Their 15 recommendations for implementation of the Act were accepted in principle.

SECTION A - ACTIVELY PURSUED IN 1984-85

I. Provincial Director

Recommendation:

"(a) That the Province set up the office of the Provincial Director, reporting to the Commissioner of Corrections and responsible for all things designated to it under the Young Offenders Act as well as all community programs for adults.

(b) As the above recommendation has far reaching consequences for the overall Corrections system, we further recommend that a thorough study of the present Corrections administration be undertaken in order to ensure that part (a) be effectively implemented."

Action Taken:

On March 5, 1984, a committee was established to work out the duties and functions of the Provincial Director along with the areas that could be delegated down to the operational level. This paper was ready for distribution by March 15, 1984.

On March 30, 1984 Manitoba Community Services Minister, Muriel Smith, named and appointed the Assistant Deputy Minister, Corrections, to carry out the functions and responsibilities as the Provincial Director, of YOA. At the same time, authority to carry out delegated responsibilities on behalf of the Provincial Director was given to the superintendents of places of custody in Juvenile Corrections and to administrators in Probation.

Dr. John Bock, then Acting Assistant Deputy Minister, Corrections, assumed responsibility as Provincial Director, YOA on April 2, 1984.

Following that, on November 29, 1984, Jim Bakken, superintendent of The Manitoba Youth Centre, was appointed Acting Provincial Director of the Young Offenders Act and Acting Director of Juvenile Corrections.

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II. Detention and Release

Recommendation:

"(a) Section 7(5) of the Young Offenders Act should be implemented.

(b) There should be an increased use of "places of safety" under the Child Welfare Act to house young persons who are charged with minor offences and who do not have guardians willing and able to take responsibility for them. Alcoholism Foundation of Manitoba facilities should be used for detoxification and treatment of intoxicated young persons.

(c) More receiving homes should be provided by child care agencies to serve as places of safety for young people who would not be detained but for a lack of an alternative."

Action Taken:

1. On March 21 and 28, 1984 Orders-in-Council approved:

   . places of temporary detention
   . places of Open Custody
   . the designation of facilities for Secure Custody.

2. On March 29, 1984 the Attorney-General designated The Manitoba Youth Centre as a youth detoxification centre for the purposes of the Intoxicated Persons Detention Act. From April 2, 1984 to March 31, 1985, 120 young persons (30 female, 90 male) were admitted to The Manitoba Youth Centre under IPDA.

3. New detention forms for admitting young persons to the Manitoba Youth Centre went into effect April 2, 1984.

4. The Manitoba Youth Centre was designated a place of safe shelter for young persons arrested but not detained in relation to a criminal offence. Statistics for safe shelter indicate, male 135, female 28 for a total of 163.

5. Bail procedures were reviewed April 17, 1984 by representatives from the departments of the Attorney-General and Community Services, and the City of Winnipeg Police in order to expedite week-end bail.

6. To facilitate bail release and the swearing-in of charges, 14 in-charge personnel from the Manitoba Youth Centre were appointed Justices of the Peace, by an Order-In-Council.

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During the first year of the Young Offenders Act, the statistics for Justice of Peace or Magistrate bail reveal the following:

Female	72
Male	436
TOTAL	508

Youth Court Bail Approved:

Female	305
Male	1,422
TOTAL	1,727

7. The City of Winnipeg Police prepared new handouts for personnel concerning details of arrest and release, fingerprinting and photographing of young persons.

8. Places of temporary detention were designated, including: Kenaston Centre, 170 Doncaster Street, and the juvenile section of Brandon, The Pas and Dauphin Correctional Centres.

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Statistics for temporary (pre-trial) detention admissions reveal the following:

* Please Note:
The number of admissions does not reflect the number of different persons admitted. Some persons in each Institution had been admitted several times. Therefore, each admission, only, is in the count. The actual number of different persons admitted is somewhat lower.

KENASTON CENTRE

	Admissions		Releases		Daily Average Population	
	Male	Female	Male	Female	Male	Female
April/84	169	45	188	36	55	7
May	194	34	104	25	51	7
June	194	28	151	23	50	4
July	203	34	148	23	64	5
August	216	37	172	32	62	10
Sept.	89	46	135	40	60	8
Oct.	198	35	145	29	67	8
Nov.	174	48	142	43	61	8
Dec.	140	26	108	22	57	7
Jan./85	181	42	143	38	64	9
Feb.	144	26	124	25	67	10
March	135	32	132	36	59	12
*TOTALS	2,037	433	1,692	372	59.9(717)	7.9(95)

DAUPHIN CORRECTIONAL INSTITUTION ADMISSIONS

	Male	Female	TOTAL
April/84	6	0	6
May	2	0	2
June	3	1	4
July	1	0	1
August	3	1	4
Sept.	0	0	0
Oct.	3	0	3
Nov.	3	0	3
Dec.	2	0	2
Jan./85	1	0	1
Feb.	2	1	3
March	6	0	6
*TOTALS	32	3	35

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THE PAS CORRECTIONAL INSTITUTION ADMISSIONS

	Male			Female			TOTAL		
	J.D.A.	C.W.A.	Y.O.A.	J.D.A.	C.W.A.	Y.O.A.	J.D.A.	C.W.A.	Y.O.A.
April/84	4	1	0	0	0	0	4	1	0
May	11	0	0	0	1	0	11	1	0
June	10	0	0	2	1	0	12	1	0
July	3	0	0	1	0	0	4	0	0
August	0	0	9	0	0	1	0	0	10
Sept.	0	0	11	0	0	0	0	0	11
Oct.	0	0	8	0	0	1	0	0	9
Nov.	0	0	18	0	0	6	0	0	24
Dec.	0	0	9	0	0	2	0	0	11
Jan./85	0	0	25	0	0	3	0	0	28
Feb.	0	0	17	0	0	3	0	0	20
March	0	0	14	0	0	1	0	0	15
*TOTALS	28	1	111	3	2	17	31	3	128

BRANDON CORRECTIONAL INSTITUTION ADMISSIONS

	Male		Female		TOTAL	
	C.W.A.	Y.O.A.	C.W.A.	Y.O.A.	C.W.A.	Y.O.A.
April/84	2	9	2	2	4	11
May	2	12	2	6	4	18
June	2	18	6	3	8	21
July	2	18	3	5	5	23
August	1	8	2	2	3	10
Sept.	0	9	1	3	1	12
Oct.	1	20	0	4	1	24
Nov.	0	7	0	1	0	8
Dec.	0	9	0	3	0	12
Jan./85	1	15	6	5	7	20
Feb.	0	19	0	2	0	21
March	4	6	0	3	4	9
*TOTALS	15	150	22	39	37	189

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III. Open and Secure Custody

Recommendation:

"(a) The Lieutenant Governor in Council should designate The Manitoba Youth Centre and The Agassiz Centre for Youth as places of both Open Custody and Secure Custody pursuant to Section 24 of the Young Offenders Act.

(b) Following the implementation of the Young Offenders Act, a study should be undertaken to examine the feasibility of, and the need for designating selected private institutions as places of Open and/or Secure Custody pursuant to Section 24 of the Young Offenders Act."

Action Taken:

1. Discussion of operational guidelines for Open and Secure Custody began in March 1984.

2. Separation of Child Welfare and Custody Services came into effect September 1984.

3. In September 1984 a draft paper on Open Custody was circulated widely for comment. The paper outlined an operational definition and purpose of Open Custody; the types and use of Open Custody facilities; reception-assessment programs; concept of individual custody homes and Open Custody group living residences; residential and non-residential program development and co-ordination.

4. Designation of Open Custody facilities took place several times during the year. To date the list of designated Open Custody facilities include:

   i) Willow Centre
   170 Doncaster Street
   Winnipeg

   ii) Crescent Youth Centre
   Portage la Prairie
   (currently not in use)

   iii) Bartlet Group Home
   Winnipeg (closed temporarily)

   iv) Mrs. Ross' Group Home
   Brandon

   v) Eleven homes in Winnipeg

   vi) One home near Rapid City, Manitoba

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5. Open Custody statistics from April 2, 1984 to March 31, 1985 indicate the following:

Open Custody Dispositions

Range of Committals = 2 days to 2 years
Average Committal = 8.4 months

WILLOW CENTRE

	Admissions	Releases	Daily Average Population
Male			
April/84	1	0	1
May	3	0	3
June	5	0	5
July	3	0	8
August	4	4	7
Sept.	4	9	7
Oct.	10	5	9
Nov.	21	15	21
Dec.	18	9	18
Jan./85	14	6	26
Feb.	36	10	48
March	18	8	51
TOTALS	137	66	17(204)

	Admissions	Releases	Daily Average Population
Female			
April/84	0	0	0
May	2	0	2
June	0	0	1
July	2	1	2
August	1	1	3
Sept.	1	1	2
Oct.	0	1	1
Nov.	2	0	1
Dec.	1	0	1
Jan./85	2	0	5
Feb.	0	4	8
March	1	0	1
TOTALS	12	8	2.25(27)

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OPEN CUSTODY HOMES

	Admissions	Releases	Daily Average Population
April/84	0	0	0
May	0	0	0
June	0	0	0
July	0	0	0
August	3	1	2
Sept.	1	1	2
Oct.	6	2	6
Nov.	6	2	10
Dec.	15	9	16
Jan./85	9	4	26
Feb.	5	3	28
March	6	3	26
TOTALS	51	22	9.6(116)

Releases at Willow Centre encompass release to Open Custody homes, group homes, completion of disposition, unlawfully at large, and escapes. On March 31, 1985 there were 26 young people in Open Custody homes and 52 in Willow Centre. Completed statistics are being compiled and should be available in the summer of '85.

6. Procedures for Open Custody youth unlawfully at large were formulated by Senior Crown Attorney, Les Kee.

7. Designation of places of Secure Custody included: Agassiz Youth Centre, Portage la Prairie and Doncaster Youth Centre, Winnipeg.

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Statistics for Secure Custody committals are:

	Agassiz (Males)							Doncaster (Males)		
	Admissions			Releases			Average Daily Population	Admissions	Releases	Average Daily Population
	JDA	YOA	Total	JDA	YOA	Total		JDA/YOA	JDA/YOA	
April	3	7	10	19	0	19	80	0	1	6
May	4	10	14	14	0	14	76	0	2	7
June	3	8	11	13	5	18	72	1	1	7
July	1	9	10	6	2	8	71	0	0	6
Aug.	1	13	14	9	1	10	75	0	1	6
Sept.	0	7	7	7	3	10	75	2	1	4
Oct.	0	8	8	10	4	14	71	0	1	4
Nov.	1	19	20	7	1	8	75	0	6	4
Dec.	0	15	15	3	4	7	90			
Jan/85	0	15	15	3	4	7	90	3	13	38(3.6)
Feb.	0	16	16	1	5	6	98	Program discontinued youth transferred to Agassiz		
Mar.	0	11	11	0	11	9	107			
			152			133	(972) 81			

Average committal time at Agassiz = 287.4 days or 9.5 months.

Average committal time for Doncaster = 4.6

Doncaster Centre (Females)

	Admissions	Releases	Average Daily Population
April	2	2	6
May	0	1	6
June	2	1	5
July	0	1	6
August	2	2	9
September	0	2	7
October	2	2	5
November	0	3	4
December	2	1	3
January 1985	1	0	3
February	2	0	3
March	1	0	5
	14	15	5.16 (62)

Average committal time for Doncaster girls = 5.2 months

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IV. Probation Orders

Recommendation:

"The Attorney-General's department should take note of the requirements in Section 23(3) regarding written probation orders so that appropriate action can be taken."

Action Taken:

1. The Attorney-General's department prepared a pre-printed Probation Order for the Young Offenders Act. Following the judge's pronouncement of the order, the young offender meets with the clerk of the court, who reads and explains, where necessary, the conditions of the order. The youth then signs the order and receives a copy.

2. On May 30, 1984, by an Order-In-Council, Ed Sharkey was designated Clerk of the Court for the Youth Court - Provincial Court of Manitoba - Family Division. This means that under the YOA Ed Sharkey is a clerk of the court for the province.

3. Within Probation Service, standards for probation supervision are constantly in review by members of a standing committee on standards. The Young Offenders Act occasioned more than normal activity. Thus a revision of the standards was published July 18, 1984, and a new revision currently is in draft form.

V. Orientation Programs

Recommendation:

"In order that the Young Offenders Act and its intent be properly implemented, it is recommended that the Province establish mandatory orientation programs for all provincial employees involved with the Act. This would include judges, court staff, youth workers, crown attorneys, Legal Aid employees, defense counsel, and police. The program would include information on how the Province is gearing up for the administrative, resource and policy requirements of the Act.

The Task Force further recommends that the Province develop awareness and information programs for the general public."

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Action Taken:

Many orientation and public education programs were and continue to be held on the Young Offenders Act. Some of the orientation/information events that took place were:

November 17 and 18, 1983 - A provincial conference on Youth, the Law and the Community was held at the Winnipeg Convention Centre. Approximately 250 persons attended.

January 1984 - A group of Manitoba representatives attended a YOA information/orientation session in Ottawa.

February 2 and March 2, 6, 9, 13, 20 and 22, 1984 - The Winnipeg City Police held Young Offenders Act orientation days to accommodate all 153 Staff Sergeants and Sergeant 1s.

February 15 and 16, 1984 - A Young Offenders Act seminar, sponsored by the Canadian Law Information Council, was held in Ottawa. Invited representatives from Manitoba were Assistant Deputy Attorney-General, Norm Larsen; and David Lerner, Manitoba Teachers' Society.

February 28, 1984 - A Young Offenders Act information centre was set up in the Manitoba Youth Centre. In an attempt to relay information on the Young Offenders Act, orientation events, conferences, seminars, projects, training materials, a Young Offenders Act Info Line newsletter was commenced. Fourteen issues have been printed to date with a mailing list of over 600 persons.

March 1, 1984 - A Young Offenders Act information meeting was held with the members of the Juvenile Justice Committee of the Manitoba Teachers' Society.

March 15 and 16, 1984 - A Young Offenders Act seminar was held for the judges.

March 17, 1984 - Orientation day for crown attorneys.

March 28, 1984 - A panel for law students was held at the Faculty of Law, University of Manitoba.

March 30, 1984 - Orientation seminar was held for private community youth facility directors and supervisors at the City of Winnipeg Police Training Academy.

April 9, 1984 - School Counsellors Association of the River East School Division met with Probation personnel, North East District.

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April 8-13, 1984 - A Task Force comprised of supervisory staff at Manitoba Youth Centre worked on updating the in-charge manual and the Youth Justice programs for the cottages. A training manual for staff and a public education program for schools was also developed.

April 11, 1984 - The multi-disciplinary staff in the adolescent psychiatry unit of St. Boniface Hospital were oriented to the Young Offenders Act and the interfacing between clinical, correctional and judicial systems and changes.

April 25, 1984 - A Young Offenders Act public education evening was held for parents, guardians, teachers and students aged 12 to 17 at Jefferson High School, Winnipeg.

May 4 and 5, 1984 - A conference for parents, professionals and concerned citizens took place in Thompson, Manitoba.

May 30, 1984 - The Inter-Agency Group of Winnipeg met for an overview of the Young Offenders Act.

Between April 25 and June 4, 1984 - Youth Justice program counsellors from the Manitoba Youth Centre presented 12 Young Offenders Act information seminars, 10 in Winnipeg and 2 in Pinawa.

During April and May, 1984 - Associate Chief Provincial Judge Edwin C. Kimelman spoke on the Young Offenders Act to a number of service clubs, student groups, teachers, school trustees, parents and community groups.

During April, May and June 1984 - Dr. John Bock, Assistant Deputy Minister, Manitoba Community Services, addressed the Chamber of Commerce, a group of guidance counsellors, a restitution committee, several groups of teachers and principals.

July 17-21, 1984 - A travelling audio-visual exhibit from the Ministry of the Solicitor General opened at the Garden City Shopping Mall. It featured the Young Offenders Act, crime prevention and victim services.

July 24 and 25, 1984 - The aforementioned exhibit was featured at the Brandon Shoppers' Mall.

August 22, 1984 - A seminar for bail procedures was held for Manitoba Youth Centre in-charge personnel with Justice of the Peace status.

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September 7, 1984 - The senior staff of the Manitoba Adolescent Treatment Centre and community health workers were given an introduction to the Young Offenders Act.

September 15, 1984 - The Law Society of Manitoba held a one-day seminar to introduce the Young Offenders Act to its membership.

September 21, 1984 - The Manitoba Judiciary and Corrections Liaison Committee sponsored a one-day seminar concerning four specific areas dealing with bail. The Young Offenders Act bail was one of the four areas.

September and October 1984 - Associate Chief Judge Edwin C. Kimelman spoke to various community groups about the Young Offenders Act, particularly in communities where he attends court. Groups included: T. Eaton Company security officers; the Chamber of Commerce, high school students and parents in Melita; Manitoba school principals and Dakota Collegiate teachers; annual meetings of several 4-H Clubs.

October 4, 1984 - A seminar was held at the Manitoba Youth Centre to introduce the Young Offenders Act to child care workers employed in residential care facilities.

November 30, 1984 - Core area residential child care trainees at Marymound received Young Offenders Act orientation.

December 8, 1984 - A one-day workshop was held in Brandon, Manitoba for all clerks of the court.

January 8, 1985 - The Board of Directors of the John Howard Society were presented with an overview of the Young Offenders Act.

January 25, 1985 - The Manitoba Bar Association featured a panel on the Young Offenders Act.

February 8, 1985 - The Winnipeg School District No. 1 Mathematics High School Teachers In-Service day featured a presentation on the Young Offenders Act.

February 18, 1985 - The members of the Charleswood United Church received a presentation on the Young Offenders Act.

February 22, 1985 - The Council for Exceptional Children received a presentation on the Young Offenders Act as part of their In-Service.

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February 22, 1985 - The School Trustees of the Seven Oaks School Division were given an overview of the Young Offenders Act.

March 7, 1985 - David Lerner of the Manitoba Teachers' Society spoke on the Young Offenders Act to The Pas teachers.

March 31, 1985 - Between September 1, 1984 and March 1985, Youth Justice Program Counsellors from The Manitoba Youth Centre presented 32 information seminars on the Young Offenders Act to CAS workers, Child Care Association, group homes, parent groups, Teachers-In-Service, Headingley Correctional staff, rural and urban schools, service organizations and Native groups.

VI. Records

Recommendation:

"Regarding record systems:

(a) There is a need to get started on a preliminary implementation program in respect to establishing a computer program for the maintenance of records in the Youth Court; and

(b) Consideration should be given to approaching the federal government about establishing a central record-keeping system for the entire country."

Action Taken:

In December 1983, representatives responsible for records from the City of Winnipeg Police, Royal Canadian Mounted Police, Manitoba Community Services, and Manitoba Attorney-General, began meeting to discuss the Young Offenders Act record maintenance. An interdepartmental user steering committee was formed to review the many issues and questions surrounding the Young Offenders Act record maintenance and destruction. A formal proposal for a Manitoba Young Offenders Records Management System feasibility study was prepared.

In April 1984, the Federal Government approved the Manitoba proposal as a basis for negotiations. This resulted in an agreement to cost-share the project expenses on an 80-20 cost-sharing basis. A project team was formed and by June, the team began visiting over 60 sites across the province and interviewing approximately 95 persons. An interim report was presented on September 27, 1984, and in November 1984 the first of three reports was completed.

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On December 5, 1984, authorization was given for a re-examination of the conceptual approach and for further research into alternative solutions. By January 16, 1985, the team had completed the final documentation of four alternative solutions.

On January 17, the team began the process of listing inputs and volumes, and analyzing the hardware and software requirements along with the required data management approach. Documentation was completed in February.

In early March the Project Team completed the analysis of transfer applications and Inslaw software and furthered the documentation of assumptions and resources required to complete a development plan for each of the four approaches. Costs on existing systems also were gathered. Completed by late March were: the documentation of development plans, costs, final analysis of benefits, and the preparation of economic evaluation of each technical solution within each approach.

Final analysis, recommendations, and the solution of the best alternative were completed in early April 1985. Report No. 2 was completed by April 10, 1985.

On stream with the Records Project is the expected June 10 decision for implementation: either the manual solution to be implemented by the Clerk of the Court or production of the automated system. Implementation is expected by fall, 1985.

VII. Alternative Measures

Recommendation:

"With respect to the use of Alternative Measures as set out in Section 4 of the Act, the present non-judicial system should be continued and, in fact, expanded."

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Action Taken:

1. At the time the Implementation Task Force was in process, it was indicated that 25 to 30 per cent of all juveniles were being dealt with on a non-judicial basis. The "success rate" with those juveniles was believed to be approximately 90 per cent.

Alternative Measures for Youth, by Region
1982 to 1984 - Calendar Years

Region	1982*	1983*	1984
Central	86	88	69
Eastman	218	164	52
Interlake	95	85	91
Norman	74	88	79
Parklands	87	72	82
Thompson	146	98	103
Westman	193	244	210
Winnipeg	1,540	1,280	1,044
	2,439	2,119	1,730

* These were known as non-judicials prior to implementation of the Young Offenders Act, April 2, 1984.

Total Number of Young Persons for Whom
Alternative Measures Programs Were Used
April 2, 1984 to March 31, 1985

April 1984	175
May	152
June	139
July	97
August	131
September	181
October	176
November	138
December	114
January 1985	191
February	199
March	154
Total	1,847

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2. During the first year of the Young Offenders Act, Probation placed heavy emphasis on the whole program of Alternative Measures. An Alternative Measures Review Committee was struck composed of representatives from Probation Services, the City of Winnipeg and RCMP, Attorney-General's Department, and Senior Crown Attorneys. Their mandate called for a review of existing practices and criteria of Alternative Measures, determine the need for changes, and suggest improvements. Their final document is in the last stages of approval.

3. The Standards and Placement Committee worked on revisions to Probation Standards for Screening Procedures. These have been completed and are available from Probation Services.

4. A third Probation-initiated committee, the Youth Justice Committee Working Group, began examining the whole Youth Justice Committee process. The committee met regularly and by its final session, May 1, 1985, had produced the following documents:

   i. Principles, Objectives and Guidelines for Operation

   ii. Parents' Guide to Youth Justice Committees

   iii. A Model for Constitution Writing

   iv. Outline for Youth Justice Committee Formation - Probation Responsibilities

   The final copy of these documents is in preparation.

5. On August 17, 1984, a number of community committees were designated to serve as Youth Justice Committees. Their mandate encompassed administering certain aspects of the Young Offenders Act in their jurisdictions, including overseeing programs and services for young offenders. Their first mandate was until December 31, 1984. Re-application was made for a continuation of the mandate during 1985.

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The committees so named were:

The Selkirk Restitution and Reconciliation Committee
The Gimli Restitution and Reconciliation Community Committee
The Dauphin Restitution Committee
The Swan River Restitution Committee
The Birtle Restitution Committee
The Brandon Youth Court Committee
The Neepawa Community Committee
The Lynn Lake Community Committee
The Thompson Restitution Reconciliation Committee
The Carman Restitution Committee
The Steinbach Alternatives Committee
The Ste. Anne Restitution Committee
The Beausejour and District Community Corrections Committee
The Southeast Juvenile Accountability Committee, Winnipeg
Alternative Choices Reconciliation Committee, Winnipeg
The Northeast Restitution Committee, Winnipeg
The Killarney Community Committee
The Roseau River Justice Committee

6. On March 21, 1985, the Young Offenders Class, Youth Division, City of Winnipeg Police, received Ministerial approval as a program of Alternative Measures under the Young Offenders Act (Canada). The program had functioned formerly as a voluntary class - or first offender class.

VIII. Victim's Loss

Recommendation:

"See Section 29(1)(c) and Section 21(6) of the Act. There will have to be an addition to the present investigation process of the police in order that the necessary information is available to the court."

Action Taken:

No specific additions were made to the investigation process of the police. However, according to the Youth Division personnel, City of Winnipeg Police, action has been taken to increase awareness and information concerning police practice of verification of loss/damage. In cases of wilful damage/losses/thefts/, if verification of the victim's loss for the courts is needed, those concerned are asked to contact the Youth Division and the police will make the necessary inquiries to verify the original estimate in loss or damage.

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IX. Under 12-Years

Recommendation:

(This summarizes a nine page report of a sub-committee.)

"1. Children under the age of twelve (12) involved in "criminal" activity or in breaches of Provincial legislation or municipal by-laws should be dealt with in the child protection system set up under The Child Welfare Act. Pursuant to a policy agreement between Probation Services and Child and Family Services, this is the present practice in Manitoba.

2. The services and assistance available under The Child Welfare Act on a voluntary basis are adequate and need not be expanded.

3. The present definitions of "child in need of protection" are adequate to allow protective intervention in situations where children under twelve (12) are committing "offences".

4. The present Act is sufficiently flexible to allow for protective intervention without requiring that a child be removed from his or her home.

5. The rights of a child caring agency pursuant to Subsection 27(2) of The Child Welfare Act, allowing entry into a home pursuant to a court order of supervision, should be expanded to include the right to provide guidance and supervision to the child.

6. The Child Welfare Act should be amended to provide more options in the dispositions available to a judge on the completion of a child protection hearing.

7. The Subcommittee points out that, under The Child Welfare Act, a child does not have the right to participate in or be represented at a protection hearing, even where the child's behavior is in issue. This deficiency in the Act should be corrected, but only after a full study of the ramifications of "child advocacy" or the rights of children to representation in custody, other family, and child protection proceedings have been examined.

8. The Subcommittee recommends, as an interim measure, that a directive be issued from the Office of the Director of Child Welfare urging child caring agencies to request the court exercise its discretion to appoint counsel for a child whenever a child's behavior or actions (as opposed to parental neglect) are in issue in protection proceedings, and the child denies the alleged behavior or actions.

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9. The Subcommittee acknowledges that additional staff and funding will be required by Child and Family Services to fully meet the needs of children under twelve (12) involved in "offences". "

Action Taken:

1. In the fall of 1984 a committee from Child and Family Support began work on a document referred to as "Directive No. 9" which consolidates the guidelines for co-ordination of services for young offenders. On Wednesday, April 26, 1985, this directive was issued as policy to child caring agencies.

   The directive addresses the following:

   i. The Principles of the Young Offenders Act
   ii. Definitions
   iii. Implications for Child and Family Support
   iv. Co-ordination of Services

      (a) Reporting of child abuse
      (b) Referrals for services
      (c) Responsibility of an agency
      (d) Referrals from Youth Court
      (e) Probation Order
      (f) Open or secure custody
      (g) Referrals in writing
      (h) Response in writing

   v. Lawyers
   vi. Disagreements

2. A new Child and Family Services Act known as Bill 12 was tabled in the House on May 9, 1985. This new Act when promulgated will replace the old Child Welfare Act.

3. The City of Winnipeg Police established a new policy concerning crimes committed by children under 12. According to the policy, such children could be interviewed but no charges would be laid. The responsibility for initiating action when a young child is caught in minor shoplifting lies with the complainant(s). They have been advised to phone the police to check on the child's status (runaway) but the police usually do not attend. If the circumstances are serious, the police respond. The child is interviewed, a report is made and appropriate action is taken. In all probability the regional Child and Family Services agency will be called. Similarly, if the child is a runaway, the regional agency will be called.

4. The annual statistics for the under 12 years from the City of Winnipeg Police, Youth Division, reveal that 400-500 children under 12 are apprehended annually for some form or type of offence.

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SECTION B - TO BE PURSUED IN 1985-86

I. Attention Homes

Recommendation:

"Minimum security attention homes should be established throughout the province for those juveniles requiring short term detention. Where juveniles require long term pre-trial detention or a higher degree of security, the Manitoba Youth Centre should be used."

Action Taken:

The concept of attention homes was captured to a degree in the open custody homes. More work needs to be done in 1985 for local community care for youngsters in conflict with the law.

II. Right to Counsel

Recommendation:

This recommendation is in two parts. The first is that of the Task Force:

> "That Legal Aid Manitoba institute a para-legal system in remote communities composed of residents of local communities who would assist Legal Aid staff lawyers in preparing cases. Such para-legals should be recognized as "counsel" under Section 11 of the Young Offenders Act. Amendments to the Act apparently will be required (see Section 51 of the Young Offenders Act and Section 2(3) of the Criminal Code)."

Action Taken:

No progress has been made on this recommendation.

The second part of the recommendation was a report from Legal Aid Manitoba, which was adopted by the Task Force:

Recommendation:

1. "The present duty counsel system in effect in Winnipeg should be expanded so as to assist young persons who are apprehended by the police and brought into a holding facility. Ways and means of extending duty counsel services in areas outside of Winnipeg will have to be explored further.

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2. Only in exceptional circumstances will counsel be made available to assist young persons who are involved in the judicial process. Legal Aid is concerned about the cost of providing counsel in the non-judicial process, and also questions the appropriateness of lawyers being involved in a process which is intended to divert young people from the courts.

3. Though Legal Aid has some concern that minor matters may still proceed into the judicial process, it is recommending, at this time, that applications for Legal Aid be taken and counsel of the young person's choice be appointed for all matters which proceed to a judicial hearing.

4. Applications for Legal Aid will continue to be subject to the ordinary financial eligibility guidelines of Legal Aid, including an examination of the financial resources of the parents or guardians of young persons."

Action Taken:

Item 1 - In Winnipeg, the expansion of the duty counsel system has been effected. A full "on call" system has been established. On July 1, 1984, a Legal Aid office was opened at the Fort Osborne Complex, Building 30. Two Legal Aid lawyers - Bill Dunn and Ron Klassen, and a secretary commenced duties. On July 1, 1985, an expansion to these services will take place. A third lawyer, Dianne Dzydz, a student, and hopefully another secretary will be added.

Item 2 - Concerning "making counsel available to assist young persons who are involved in the non-judicial process," this has not been done in Manitoba.

Item 3 - Legal Aid will only appoint counsel for indictable offences or summary conviction offences where the youth is likely to get a custodial sentence or lose his or her employment upon conviction. The only exception to that is where the court orders the appointment of counsel.

Item 4 - This recommendation holds true in Manitoba except where the court orders the appointment of counsel in circumstances where parents are financially ineligible.

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III. Forensic Assessments

Recommendation:

"With respect to forensic assessments, see Section 13(3), it is recommended that use be made of existing resources in the youth's own community. Examples of existing resources would include facilities available through the Department of Education, the Department of Health, the Department of Community Services and Corrections, and through private medical practitioners.

The Task Force noted that, given the 30-day time limit set in the Act for forensic assessments, modifications would have to be made in the present delivery system. It was also felt that decentralization was in keeping with the Task Force's earlier recommendation that young offenders be dealt with in their own community wherever possible."

Action Taken:

Children's Forensic Services, Manitoba Health, is the primary clinical resource providing psychiatric and psychological consultation to the Youth Court. With reference to Section 13 of the Young Offenders Act (preparation of reports by a doctor, psychiatrist, psychologist or other qualified person) the definition for each group which existed previously under Provincial legislation has not changed.

Further extension of services to rural Manitoba is under review. All psychological and psychiatric services provided to the Youth Court emanate from Children's Forensic Services, 170 Doncaster Street, under the direction of Dr. C. B. Manswell.

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Forensic statistics for the year 1984-85 include:

Probation Referrals

	No. of Cases	Psychiatric	Psychological	Psychiatric/ Psychological	Consultative Conferences	Male	Female	Urban	Rural	Transfer	Committal	Treatment/ Placement	Fitness to Stand Trial
April 1984	9	6	2	1	-	7	2	6	3	1	2	6	-
May	15	6	6	2	1	13	2	9	6	3	-	12	-
June	10	5	4	1	-	9	1	5	5	2	1	6	1
July	10	8	2	-	-	10	-	7	3	-	1	9	-
August	10	5	5	-	-	9	1	6	4	-	2	7	1
September	9	4	4	1	-	8	1	5	4	-	-	8	1
October	9	2	5	1	1	9	-	5	4	-	-	9	-
November	9	3	4	2	-	9	-	7	2	1	-	8	-
December	11	3	6	2	-	10	1	6	5	4	-	7	-
January 1985	17	6	7	4	-	17	-	13	4	1	-	16	-
February	13	7	5	1	-	11	2	7	6	-	1	12	-
March	13	5	6	2	-	11	2	8	5	-	-	13	-
Totals	135	60	56	17	2	123	12	84	51	12	7	113	3

Other Referrals

	No.of Cases	Male	Female	Psychi- atric	Psycho- logical	Psychiatric/ Psychological	Consultative Conferences
April 1984	3	2	1	1	2	-	-
May	4	4	-	2	2	-	-
June	5	4	1	1	4	-	-
July	5	4	1	5	-	-	-
August	2	-	2	-	1	1	-
September	4	4	-	-	4	-	-
October	4	4	-	-	4	-	-
November	4	4	-	2	2	-	-
December	4	3	1	1	3	-	-
January 1985	2	1	1	-	-	2	-
February	2	2	-	1	1	-	-
March	3	-	3	2	1	-	-
Totals	42	32	10	15	24	3	-

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Follow-up Sessions

	No.of Cases	Male	Female	Psychi-atric	Psycho-logical	Psychiatric/ Psychological	Consultative Conferences
April 1984	6	2	4	1	4	-	1
May	8	2	6	-	7	-	1
June	6	2	4	2	3	-	1
July	3	2	1	3	-	-	-
August	6	3	3	1	3	-	2
September	2	2	-	-	2	-	-
October	-	-	-	-	-	-	-
November	2	2	-	-	1	-	1
December	8	7	1	4	3	-	1
January 1985	10	4	6	8	1	-	1
February	12	11	1	5	7	-	-
March	4	4	-	4	-	-	-
Totals	67	41	26	28	31	-	8

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IV. Youth Worker

Recommendation:

"(a) The definition of Youth Worker should include the following:

i. Probation Officer
ii. Probation Worker
iii. Voluntary Probation Officer
iv. Juvenile Counsellor

(b) Appropriate amendments should be made to the Corrections Act so that it complies with the intent of the Young Offenders Act."

Action Taken:

On March 21, 1984, an Order-In-Council delegated the appointment of "Youth workers as may be required" to the Minister of Community Services.

A revision of the Corrections Act currently is under way. No formal definition of Youth Worker exists other than the understood Juvenile Counsellor.

V. Review Boards

Recommendation:

"The concept of Review Boards should be considered after implementation of the Act in light of experience with such matters as conditions for probation and release from committal."

Action Taken:

This recommendation is still under consideration and discussion within Community Services.

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VI. Provincial Legislation

Recommendation:

"Generally:

(a) Persons under 18 but over 12 who violate provincial or municipal statutes should be dealt with by Youth Court.

(b) The vast majority of cases will be dealt with by limited jurisdiction magistrates who administratively should be assigned to Youth Court - a continuation of the present administrative process.

(c) Penalties should be those allowed for in the various Acts.

(d) Children under the age of 12 should be deemed incapable of committing provincial offences.

(e) People under 18 but over 12 who are sentenced to custodial term pursuant to provincial law should be incarcerated in institutions for young offenders.

(f) Provision should be made in The Corrections Act to allow the Provincial Director discretion to move a person under 18 and sentenced to an institution to an adult institution upon attaining his or her 18th birthday.

(g) In respect of persons under 18 but over 12 who breach provincial law, notice will be an administrative requirement, not a legal one.

(h) In respect of violations of The Highway Traffic Act, persons under 18 but over 12 will be allowed to mail in fines or explanations.

The Corrections Act (amendments):

(a) Persons under 18 but over 12 should be sentenced to a custodial centre for young offenders.

(b) An option should be provided to allow the movement of an offender from a custodial centre for young offenders to an adult institution at age 18.

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The Summary Convictions Act (amendment):

The Act should be amended to define "child" as: "person who is under the age of twelve years"

- and -

"no child shall be convicted of an offence in respect of provision of any Act of the Legislature or any regulation, rule or order lawfully made under, and in accordance with power or authority conferred by, any Act of the Legislature."

Reasons:

- The administrative process is already in place.
- There are negative implications to having children appear in respect of violations of provincial law in the adult court system.
- The change is in keeping with the philosophy of this province as set out in The Age of Majority Act.

The Liquor Control Act (amendment):

The Act should be amended to allow for disposition requiring an offender charged with drinking under age to obtain alcohol counselling or to participate in a residential program.

Aside from this one area, all punishments for provincial offences would be as set out in the various Acts.

The Task Force recognizes the seriousness of youth alcohol problems, and feels there should be a mechanism for dealing with the problem in a positive way.

The Corrections Act (additional amendments):

(a) Part One of The Corrections Act (Sections 2 to 16) will have to be almost totally repealed since it is companion legislation to The Juvenile Delinquents Act.

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(b) These sections should be replaced by sections dealing with the following:

- Definition of and duties of Provincial Director -
  NOTE: It may well be that the Province wishes to give the Provincial Director powers not contained in The Young Offenders Act (i.e. Adult Probation).
- Definition and duties of Youth Workers.
- Definition and duties of Review Board.
- Designation of certain duties of the Provincial Director.
- Designation of institutions that can be used for young persons who commit provincial offences.
- Definition of attention homes.
- Authority to pre-court release young persons in respect of provincial offences.
- Declaration that Manitoba has adopted principle of Alternative Measures and granting of authority to Provincial Director to approve programs for Alternative Measures.

The Provincial Judges (Act) (amendments):

The Act should be amended so as to appoint a Provincial Judges Court (Youth Division). It is further recommended that all provincial judges have the jurisdiction to sit in all the divisions of the Provincial Judges Court. On an administrative level, limited jurisdiction magistrates be assigned to the Youth Court."

Action Taken:

On March 30, 1984 the Attorney-General's department issued policy directives for use until the new provincial act would be in place.

During the year, several drafts of the provincial act were written and circulated for comment. Currently, a further revision is in process.

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OTHER HIGHLIGHTS OF THE FIRST YEAR OF YOA

I. Staff Development Programs

Probation staff development teams prepared and offered three core courses, specifically oriented to the Young Offenders Act.

i) Supervision and You
ii) Court Report Writing
iii) Community Mobilization

II. Fingerprinting Nets Results

The City of Winnipeg Police, Youth Division, report that during the first year of the Young Offenders Act, approximately 100 young offenders charged with various offences have been fingerprinted per month. This practice has netted 104 criminal offences being cleared.

III. New Forms

(a) A new report for admitting a young person to the Manitoba Youth Centre went into effect April 1, 1984.

(b) New Young Offenders Act Court Forms became available in November 1984. They include:

- Warrant for Arrest of a Young Person
- Provincial Court (Family Division) Summons
- Summons for Appearance on Review
- Warrant to Compel Appearance on Review
- Warrant Remanding a Young Person
- Information for Review
- Warrant of Committal to Custody
- Order of Transfer to Ordinary Court
- Notice to Parent, Relative or Friend
- Manitoba Young Offender - Information and Complaint
- Small card index form for destruction of records information

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Other new forms were released as they became available. They included:

- Order for Attendance of Parent
- Warrant to Compel Attendance of Parent
- Order for Examination and Report
- Probation Order
- Application for Review
- Warrant for Arrest of a Parent
- Order for Special Report (from Children's Forensic Services)
- Order to Appear Before Youth Court Pursuant to a Probation Order
- Notice of Application
- Subpoena - Manitoba Provincial Court
- Manitoba Provincial Court - Family Division Notice for Payment of Fine/Fine Option Program

IV. Young Offenders Act Information Materials

The Young Offenders Act information office distributed approximately 10,000 brochures - English and French, 1,500 posters, 4,000 Highlights. Groups requesting the information included schools, probation units, Legal Aid, Youth Justice committees, crime prevention committees, Family Service Bureau, Children's Aid, drop-in centres, citizen groups, professional organizations, the City of Winnipeg and Royal Canadian Mounted Police, office of the Clerk of the Court, Native Coalition, church groups, and service organizations.

There was a heavy demand on the Young Offenders Act video-cassettes, slides, and printed materials.

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V. Youth Justice Committees Visited

As part of a networking and communication process, Youth Justice committees were visited. In the process of obtaining their story, a bond of "Working Together" was created. The committee stories published in the Info Line were:

July 1984	- Selkirk Restitution-Reconciliation Committee
August 1984	- Roseau River Tribal Justice Committee - Riverborne Restitution/Reconciliation Committee
September 1984	- South East Juvenile Accountability Committee
October 1984	- Dauphin Restitution Committee
December 1984	- Steinbach Alternatives Committee - Ste. Anne Restitution Committee
January 1985	- Beausejour and District Community Corrections Committee
February 1985	- Gimli Restitution and Reconciliation Community Committee
March 1985	- Virden Restitution and Reconciliation Committee - Brandon Victim/Offender Mediation Program - Selkirk's Concerned Citizens Against Criminal Abuse Committee
April 1985	- Thompson Restitution/Reconciliation Committee - The Carman Restitution Committee - Morden-Winkler Youth Justice Committee
May and forthcoming in June 1985	- The Killarney Restitution Committee - The Neepawa Community Committee - The Swan River Restitution Committee - The Birtle Restitution Committee

VI. Clerk of the Court's Office

Statistics provided by the office of the Clerk of the Court, Family Division, Fort Osborne Complex, Winnipeg, show the following youth caseload for April 2, 1984 to March 31, 1985:

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	Charges		Cases		Notice to Parents	Summons		Warrant for Arrest		Sub-poenas	Transfers	Committals		CAS
	M	F	M	F		M	F	M	F			M	F	
Apr/84	431	118	290	75	282	100	26	24	9	230	4(18)*	1 (3)*	2(5)*	-
May	452	98	306	56	346	138	29	25	6	297	7(43)	6(16)	-	-
June	301	54	221	42	348	154	29	27	10	320	3 (5)	3(17)	-	-
July	619	56	301	43	436	146	29	28	11	487	1 (8)	5(10)	2(4)	-
Aug.	468	70	259	42	315	110	25	25	9	382	4(31)	17(39)	2(2)	-
Summary Convictions moved to be heard at 207 Donald Street												32	6	

	Open		Secure		Reviews M	Reviews F	Appointment of Counsel
	M	F	M	F	Sec.32	Sec.32	
Sept.	1	-	5	1	-	-	20
Oct.	6	-	6	1	4	13	34
Nov.	3	1	7	-	30	5	18
Dec.	5	-	7	1	30	7	20
Jan/85	7	-	2	1	26	20	24
Feb.	12	-	2	-	20	12	19
March	8	-	7	-	26	15	23
	42	1	36	4	136	72	158

*The figures in brackets indicate the number of charges.

VII. Youth Division Guidelines for Young Offenders Act

The City of Winnipeg Police Youth Division has developed new guidelines to assist police personnel in the application of the Young Offenders Act. The guidelines cover:

- Methods of Release of Young Offenders
- Bail Reform Provisions
- Fingerprinting and Photographing
- Provincial Statutes
- Detention of Young Offenders
- Appearance Notices
- Waiver Forms
- Provincial Offence Notices
- Police Concerns in Relation to Child Prostitutes
- Lack of Offence Known as Contributing to Juvenile Delinquency
- Escape (Open) Custody
- Sexual Assault

OTHER YOA ISSUES PROJECTED FOR COMPLETION IN 1985-86

1. Temporary Absence Procedures
2. Review Procedures
3. Orientation to Open Custody
   - Probation
   - Youth Correctional Staff
   - Judges, Lawyers, Magistrates
   - Police, Crown
4. Working Together Program
5. Records - Implementation Phase
6. Provincial Young Offenders Act
7. Revision of Corrections Act as it applies to Young Offenders Act
8. Follow-up to Directive No. 9 - Child and Family Services
9. Provincial Handbook - Young Offenders Act